

# **CITY OF GLOUCESTER**

## **CONSERVATION COMMISSION**

### **MINUTES**

**WEDNESDAY, April 6, 2016 - 7:00 PM**  
**City Hall, 2<sup>nd</sup> Floor, Kyrouz Auditorium**  
**Robert Gulla Chair**

Members Present: Rob Gulla-Chair, Ann Jo Jackson- Co Chair, Helene Kwasie, Bill Cook, John Feener, Barry Gradwohl  
Staff: Ken Whittaker

**I. PUBLIC COMMENT - Hanna Morgenstern presentation – discussion of potential eel grass harvesting (and associated mitigation efforts) in Gloucester waters and Essex Bay restoration efforts.**

*Peter Phippen, Merrimack Valley Commission*

*Melissa Novak, Boston University*

Mr. Phippen gave a presentation regarding potential eel grass harvesting. A grant was received by the Federal Government to restore eel grass in the great marsh system. The plan is to harvest eel grass across 4-5 transects and remove no more than 1% of existing plants for replanting in Essex Bay. Mr. Whittaker volunteered to work with the speakers and advertise the program through the local newspaper.

**IV. Block 1: Continued Projects**

- A. NOI: 161, 165 & 171 Atlantic Road #28-2430 (Map 73, Lots 37, 37, 26) - Submitted by OVL, LLC to construct 4 buildings/4 duplex homes/1 single family home and driveway and intermittent stream crossing in FEMA flood plain – formal motion to withdraw without prejudice against later filing of an alternate plan.**

**Motion to approve the withdrawal of NOI: 161, 165 & 171 Atlantic Road #28-2430 (Map 73, Lots 37, 37, 26) - Submitted by OVL, LLC to construct 4 buildings/4 duplex homes/1 single family home and driveway and intermittent stream crossing in FEMA flood plain without prejudice was made by Mr. Gradwohl, seconded by Ms. Jackson and unanimously approved. John Feener abstained.**

- B. ANRAD: 30, 48 and 50 Atlantic Avenue #28-2413 (Map 257, Lots 167, 202 and 201) Submitted by Francis Goodhue for Abbreviated Notice of Resource Area, coastal wetland. Applicant requests continuation to April 20.**

Mr. Whittaker reported that the Applicant is paying for his own consultant. He knows the commission may still require a third party reviewer or any expert reports submitted by the Applicant.

**Motion to continue the ANRAD for 30, 48 and 50 Atlantic Avenue #28-2413 (Map 257, Lots 167, 202 and 201) Submitted by Francis Goodhue for Abbreviated Notice of Resource Area, coastal wetland to April 20, 2016 by Ms. Kwasie, seconded by Mr. Gradwohl and unanimously approved.**

**Mr. Gulla recused himself.**

- C. NOI: 17 Landing Road #28-2442 (Map 213, Lot 47)** Submitted by Judith Rose to reconstruct existing house in Riverfront Area

*John Judd Gateway Consultants*

Mr. Judd discussed the outfall being moved and cobblestones removed. The letter from Bob Sherman regarding the bird habitat was also submitted. Mitigation plan is comprehensive and includes a raingarden. Monuments have been added to the plan and a landscape maintenance plan for 3 growing seasons is to be submitted. It was suggested that the proposed plan be modified to include more durable species (cultivars) of Dogwood, that the plan include more shade tolerant trees such as hornbeam and hemlock and that planting include "multi-height" species for shaded area.

**Public comment: None**

**Motion to approve NOI 17 Landing Road #28-2442 (Map 213, Lot 47) Submitted by Judith Rose to reconstruct existing house in Riverfront Area was made by Mr. Feener, seconded by Mr. Gradwohl and unanimously approved, with conditions and agreement to submit landscape maintenance plan (to be carried out by Massachusetts certified applicator).**

**Mr. Gulla rejoined the meeting.**

- D. RDA 1479: 1 Cedarwood Road (Map 242, Lot 36)** - Submitted by Jim Cooke to install septic tight tank and clear drainage area. The Agent was directed to reach out to the City to determine if there were any drainage issues of concern with maintenance program by the Applicant.

**Motion to continue RDA 1479 for 1 Cedarwood Road (Map 242, Lot 36) - Submitted by Jim Cooke to install septic tight tank and clear drainage area to April 20, 2016 was made by Ms. Kwasie, seconded by Mr. Gradwohl and unanimously approved.**

- E. RDA 1481: 21 Massasoit Road (Map 231, Lot 16)** - Submitted Steven Lambert, Jr. to determine jurisdiction and boundaries regarding resource area.

**Motion to continue RDA 1481 21 Massasoit Road (Map 231, Lot 16) submitted by Steven Lambert Jr. to determine jurisdiction and boundaries regarding resource area to May 4, 2016 was made by Ms. Kwasi, seconded by Mr. Gradwohl and unanimously approved.**

- F. RDA 1480: 34 Thurston Point Road (Map 262, Lot 25) – Submitted by Leo Zerilli – approval of site wide planting and landscaping plan in Riverfront Area**

*Leo Zerilli 34 Thurston Point Road*

Mr. Zerilli stated he worked with Corliss Brothers for a revised plan.

Substantial discussion ensued by Commission, and the Commission was generally pleased with the new planting plan including both new species and preservation of old native species.

**Public comment: None**

**Motion for a Negative Determination for RDA 1480 34 Thurston Point Road (Map 262, Lot 25) submitted by Leo Zerilli – approval of site wide planting and landscaping plan in Riverfront Area was made by Ms. Jackson, seconded by Mr. Gradwohl and unanimously approved.**

**V. Block II: New Projects**

- A. RDA 1483: 25 River Road (Map 118, Lot 11)** - Submitted by Peter Fortune to reinforce pier and raise existing deck.

**B.**

*Andrew Steven-10 Winterhaven*

Mr. Steven stated that the work was mandated to be done by the building inspector. Only one pier will be in the resource area that will need a footing. Work will be done by hand at low tide. All work to be done by hand, tarps and other means to be installed to prevent introduction of cement/grout into resource area. Dedicated person to be identified for inspection/clean-up at end of each working day.

Mr. Gulla stated that if there is a spill the agent needs to be notified.

Public comment:

*Jane Renson 23 River Road*

Ms. Renson asked if the conditions would be implemented tonight.

Mr. Gulla explained the RDA process.

**Motion for a Negative Determination for RDA 1483 25 River Road (Map 118, Lot 11) submitted by Peter Fortune to reinforce pier and raise existing deck was made by Mr. Gradwohl, seconded by Ms. Jackson and unanimously approved.**

**Mr. Gradwohl recused himself.**

**NOI: Proposed Unit 19, Lot 5, Kennedy Rd. #28-2449 (Map 193, Lot 90)**  
Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone.

**C. NOI: Proposed Unit 23, Lot 7, Kennedy Rd. #28-2448 (Map 193, Lot 90)** Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone.

**D. NOI: Proposed Unit 25, Lot 8, Kennedy Rd. #28-2447 (Map 193, Lot 90)** Submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone.

***April Ferrara Meridian Associates & Lenny Smith, Magnolia Reach Capital***

The development was purchased out of bankruptcy in 2012. No structures were placed on the lots in question here on the original plan. When the buildings were finally placed on the lot it was then realized they encroached on the buffer.

An overview of the project was presented to the Commission.

Mr. Smith stated that all the homes have been located and approved to be built. Fencing has been placed along the buffer line. Each lot will go to City engineer for approval.

The Commission had several concerns which included the intensity of use, velocity of stormwater runoff (due to “built-up” areas adjacent to the structures), and longevity of proposed fencing. They requested more detailed information as well as a narrative regarding the need to have houses in the buffer. Other concerns included assessment of overall vegetation impact, whether proposed protective three “wells” are of sufficient size and whether a living fence with suitable movements to prevent wetlands encroachment could be included. A site visit was requested.

The Agent was instructed to report what was previously approved for the development.

**Public comment: None**

**Motion to continue NOI Proposed Unit 19, Lot 5, Kennedy Rd. #28-2449 (Map 193, Lot 90), NOI Proposed Unit 23, Lot 7, Kennedy Rd. #28-2448 (Map 193, Lot 90), NOI Proposed Unit 25, Lot 8, Kennedy Rd. #28-2447 (Map 193, Lot 90), submitted by Magnolia Reach Capital LLC to construct 2-family home and appurtenances in buffer zone to April 20**

**was made by Ms. Kwasi, seconded by Ms. Jackson and unanimously approved.**

**Mr. Gradwohl rejoined the commission.**

- E. RDA 1484: Gloucester Commuter Rail** - Submitted by Keolis Commuter Services to renew wetlands delineation along Gloucester commuter rail right-of-way.

Mr. Whittaker will coordinate with MBTA to delineate the wetlands to ensure proper compliance with the regulations. Mr. Whittaker was instructed to post relevant information on Dropbox regarding the last time this program was considered/approved by the Commission.

**Motion to continue RDA 1484: Gloucester Commuter Rail - Submitted by Keolis Commuter Services to renew wetlands delineation along Gloucester commuter rail right-of-way to May 4<sup>th</sup>, 2016 was made by Ms. Kwasi, seconded by Mr. Gradwohl and unanimously approved.**

- F. NOI: 2 Trenel Way #28-2443 (Map 89, Lot 45)** Submitted by Christopher Murphy to construct 3 car garage and breezeway in Riverfront Area.

*Fredrick Geisel*

Mr. Geisel stated that no work is proposed in the flood zone. 90% of the work is within the 100 riverfront zone. Proposed is a 3 car garage, breezeway and deck. The building will be built over existing pavement with no increase in impervious area. Roof runoff will be run through an infiltration system and a catch basin will be installed.

Mr. Gulla asked why it couldn't be pushed farther away from the resource. It hasn't been fully addressed in the alternative analysis.

Mr. Feener stated that the practicability of the alternative analysis is not conclusive.

**Public Comment:**

*Maryann Connors, 31 Wolf Hill Road*

Ms. Connors stated that she is concerned with runoff that could affect her basement. It seems excessive for the area and asked if the garage could be placed in another area.

*Chris Frates, 3 Trenel Cove Road*

Mr. Frettes stated that it is a large structure close to the river. The runoff will be doubled.

*Jennifer Gillis, 4 Trenel Way*

Ms. Gillis stated the project is huge in a very delicate area.

The Applicant was instructed to provide the calculations as to the coverage in the Riverfront Area and whether the proposed structure was in compliance, to update and “tighten up” the alternative analysis and, if appropriate, continue with settlement negotiations with the abutters.

**Motion to continue NOI 2 Trenal Way #28-2443 (Map 89, Lot 45) Submitted by Christopher Murphy to construct 3 car garage and breezeway in Riverfront Area to April 20, 2016 was made by Ms. Jackson, seconded by Ms. Kwasie and unanimously approved.**

**G. RDA 1485: 52 Commercial Street (Map 1, Lot 14).**- Submitted by Intershell International Corp. to demolish damaged building within inner harbor (application for building reconstruction to follow)

*Jack Ketchopolis*

Mr. Ketchopolis stated that the building needs to be cleaned up.

Mr. Whittaker reported a site visit was scheduled with the Harbormaster, Mass DMF and the Shellfish Constable, and their representative would be incorporated into any conditions for the work.

**Public comment: None**

Motion for a Negative Determination for RDA 1485, 52 Commercial Street (Map 1, Lot 14).- Submitted by Intershell International Corp. to demolish damaged building within inner harbor was made by Ms. Kwasie, seconded by Mr. Gradwohl and unanimously approved.

## **VI. OTHER COMMISSION BUSINESS**

Requests for Letter Permits, Minor Modifications, Extensions, etc.

**Discussion 740 Washington Street** - regarding installation of new deck supports and potential impacts on existing sea wall structure. A formal application will be submitted at a later date.

### **Paul Hadley 4 Old Farm Lane**

Mr. Hadley stated the work involves removing a porch and build a deck. All work will be done by hand.

Mr. Gulla stated that an RDA is not needed and it would be a good idea to remove the foundation underneath the proposed deck.

Minor Modification for 279 Concord Street - revised septic tank and pump chamber location outside of buffer zone and addition of 150 square foot area to proposed single family residence.

Minor Modification for 40 Woodbury Street – relocation of two proposed sheds to area of single shed (reduction of area 80 sq. ft.) further away from resource area.

**Motion to approve the minor modifications for 279 Concord Street and 40 Woodbury St was made by Mr. Feener, seconded by Ms. Kwasie and unanimously approved.**